

in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

(July 2, 1890, ch. 647, § 5, 26 Stat. 210.)

#### § 6. Forfeiture of property in transit

Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this title, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

(July 2, 1890, ch. 647, § 6, 26 Stat. 210.)

#### § 6a. Conduct involving trade or commerce with foreign nations

Sections 1 to 7 of this title shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless—

(1) such conduct has a direct, substantial, and reasonably foreseeable effect—

(A) on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or

(B) on export trade or export commerce with foreign nations, of a person engaged in such trade or commerce in the United States; and

(2) such effect gives rise to a claim under the provisions of sections 1 to 7 of this title, other than this section.

If sections 1 to 7 of this title apply to such conduct only because of the operation of paragraph (1)(B), then sections 1 to 7 of this title shall apply to such conduct only for injury to export business in the United States.

(July 2, 1890, ch. 647, § 7, as added Pub. L. 97-290, title IV, § 402, Oct. 8, 1982, 96 Stat. 1246.)

#### PRIOR PROVISIONS

A prior section 7 of act July 2, 1890, ch. 647, 26 Stat. 210, related to suits by persons injured by acts in violation of sections 1 to 7 of this title and was classified as a note under section 15 of this title, prior to repeal by act July 7, 1955, ch. 283, § 3, 69 Stat. 283, effective six months after July 7, 1955.

#### § 7. “Person” or “persons” defined

The word “person”, or “persons”, wherever used in sections 1 to 7 of this title shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

(July 2, 1890, ch. 647, § 8, 26 Stat. 210.)

#### § 7a. Definitions

In sections 7a to 7a-3 of this title:

#### (1) Antitrust Division

The term “Antitrust Division” means the United States Department of Justice Antitrust Division.

#### (2) Antitrust leniency agreement

The term “antitrust leniency agreement,” or “agreement,” means a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement.

#### (3) Antitrust leniency applicant

The term “antitrust leniency applicant,” or “applicant,” means, with respect to an antitrust leniency agreement, the person that has entered into the agreement.

#### (4) Claimant

The term “claimant” means a person or class, that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of this title or any similar State law, except that the term does not include a State or a subdivision of a State with respect to a civil action brought to recover damages sustained by the State or subdivision.

#### (5) Cooperating individual

The term “cooperating individual” means, with respect to an antitrust leniency agreement, a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement.

#### (6) Person

The term “person” has the meaning given it in subsection (a) of section 12 of this title.

(Pub. L. 108-237, title II, § 212, June 22, 2004, 118 Stat. 666; Pub. L. 111-190, § 2, June 9, 2010, 124 Stat. 1275; Pub. L. 116-159, div. D, title III, § 4303(b)(2), Oct. 1, 2020, 134 Stat. 742.)

#### REFERENCES IN TEXT

Sections 7a to 7a-3 of this title, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§ 211-216) of title II of Pub. L. 108-237, June 22, 2004, 118 Stat. 666, which enacted this section and sections 7a-1 to 7a-3 of this title, amended sections 1, 2, and 3 of this title, and enacted provisions formerly set out in a note under section 1 of this title. For complete classification of subtitle A to the Code, see Tables.

#### CODIFICATION

Section was formerly set out in a note under section 1 of this title, prior to transfer to this section upon repeal of sunset provision.

#### AMENDMENTS

2020—Pars. (6), (7). Pub. L. 116-159 redesignated par. (7) as (6) and struck out former par. (6). Prior to amendment, text of par. (6) read as follows: “The term ‘marker’ means an assurance given by the Antitrust Division to a candidate for corporate leniency that no other company will be considered for leniency, for some finite period of time, while the candidate is given an opportunity to perfect its leniency application.”

2010—Pars. (6), (7). Pub. L. 111-190 added par. (6) and redesignated former par. (6) as (7).

#### FINDINGS; PURPOSE OF 2020 AMENDMENT

Pub. L. 116-159, div. D, title III, § 4302, Oct. 1, 2020, 134 Stat. 742, provided that: